

## **REMARKS**

Claims 1-3, 5-9 and 19-29 are pending in the present application. Claims 1, 8 and 29 have been amended and are independent. The specification has been amended. Reconsideration of this application, as amended, is respectfully requested.

### **Information Disclosure Statement**

An Information Disclosure Statement was submitted to the U.S. Patent Office on December 15, 2005. It is respectfully requested that the Examiner initial the PTO/SB/08 to indicate consideration of the references listed thereon.

### **Rejections Under 35 U.S.C. § 103**

Claims 1-3, 5 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Morinaka et al., USPN 5,025,883 in view of Joao, USPN 6,542,076, Yamaura et al., USPN 6,292,107, McMahon, USPN 3,908,168 and Hesker, USPN 6,351,242. Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Morinaka et al. in view of Joao, McMahon, Hesker, Yamaura et al. and Kusunoki, USPN 5,763,957. Claims 8, 9 and 19-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kusunoki in view of Hesker and McMahon. These rejections are respectfully traversed.

The present invention is directed to a remote control trunk assembly and a remote controller for a remote control trunk assembly. Independent claim 1 is directed to the remote control trunk assembly and recites a combination of elements including the recitation "wherein said remote control trunk assembly is mountable on a rear portion of a vehicle body, said at least

one lid has a projection upwardly formed on a surface thereof, said radio signal receiving unit is disposed inside said projection on said at least one lid and is disposed higher than the top surface of said at least one lid, and said projection is disposed at substantially a central portion of said at least one lid.” Independent claims 8 and 29 are directed to the remote controller and recite a combination of elements including the recitation “wherein said radio signal receiving unit is mountable on a rear portion of a vehicle body, the at least one lid has a projection upwardly formed on a top surface thereof, the radio signal receiving unit is disposed inside said projection on the at least one lid at substantially a central portion of the at least one lid, and the radio signal receiving unit is disposed higher than the top surface of said at least one lid.” Applicants respectfully submit that the references relied on by the Examiner fail to teach or suggest the present invention as recited in independent claims 1, 8 and 29.

Morinaka et al. is directed to a motorcycle having a central trunk 24 and side trunks 55 and 58. As recognized by the Examiner, this reference fails to disclose a remote control for a trunk. However, the Examiner relies on the Joao reference in order to modify Morinaka et al. to include a remote control for the trunk. The Examiner also relies on the Yamaura et al. reference to disclose opening (popping-out) of a trunk using a remote control, McMahon for disclosing a radio receiving circuit mounted at the rear of the motorcycle in the position of the trunk and Hesker for disclosing mounting a radio receiving unit in a trunk lid. While not conceding to the appropriateness of the Examiner’s numerous modifications of the Morinaka et al. reference, Applicants respectfully submit that the combination of references relied on by the Examiner fails to teach or suggest the present invention as recited in the independent claims of the present

invention. Applicants reserve the right to present arguments against the Examiner's individual modifications of the Morinaka et al. reference on Appeal, if necessary.

Specifically, Hesker discloses an antenna 5 that is disposed inside an outer wall 10 of a body part 8. The Hesker reference is silent with regard to providing a projection upwardly formed on a top surface of at least one lid and a radio signal receiving unit disposed inside the projection on the at least one lid that is disposed higher than the top surface of the at least one lid as recited in the independent claims of the present invention. Since the Hesker reference fails to disclose an antenna inside a projection, the volume of the inside of the outer wall is decreased. McMahon discloses a transmitter; however, McMahon does not disclose a trunk, lid or projection. Therefore, McMahon fails to disclose anything with regard to the trunk volume. Morinaka et al. discloses the trunk, lid and a projection; however, Morinaka et al. does not disclose a radio signal receiving unit and therefore there is no suggestion to specifically locate an antenna within the projection of Morinaka et al. as recited in the independent claims of the present invention. Therefore, even if the references relied on by the Examiner are combined, the combination of references will only disclose a radio signal receiving unit being disposed inside a lid, not a radio signal receiving unit inside a projection as in the presently claimed invention. Therefore, the visibility and the trunk volume is decreased.

In the present invention; a projection, which is upwardly projected on a top surface of the at least one lid is disclosed. The radio signal receiving unit is disposed inside the projection on the at least one lid, and is disposed higher than the top surface of the at least one lid. Therefore, the visibility can be substantially better and the trunk volume can be maintained.

In the Examiner's Office Action, the Examiner indicates that it would have been obvious to one having ordinary skill in the art to provide a radio signal receiving unit "in a projection" formed on a top of the trunk of Morinaka et al. However, there is no disclosure in Hesker of providing a radio signal receiving unit in a projection. In view of this, the Examiner's rejection is improper and should be withdrawn.

With regard to the Examiner's reliance on the Kusunoki reference, this reference also fails to disclose a radio signal receiving unit in a projection of a trunk and therefore fails to make up for the deficiencies of the references relied on by the Examiner.

With regard to dependent claims 2, 3, 5-7, 9 and 19-28, Applicants respectfully submit that these claims are allowable due to their dependence upon allowable independent claims 1 and 8, as well as due to the additional recitations in these claims.

In view of the above amendments and remarks, Applicants respectfully submit that claims 1-3, 5-9 and 19-29 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the Examiner's rejections under 35 U.S.C. § 103 are respectfully requested.

### **CONCLUSION**

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

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Reply to Office Action of October 5, 2005

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In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

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Respectfully submitted,

By 

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